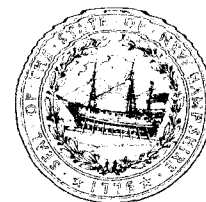




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

CORRECTED
LETTER OF DEFICIENCY
SP 06-016

August 2, 2006

Cedric & Pamela Libby
28 Bennett Bridge Rd
Northwood, NH 03261

RE: DES Wetlands File #2006-00746 28 Bennett Bridge Rd, Northwood

Dear Mr. & Ms. Libby:

This Corrected Letter of Deficiency ("LOD") originally issued on July 31, 2006 is issued by the Department of Environmental Services, Wetlands Bureau to Cedric & Pamela Libby. The original LOD cited the docket number as "WET 06-016". The docket number has been corrected to "SP 06-016". In all other respects, the LOD remains in effect and all deadlines remain unchanged.

On June 20, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Northwood Tax Map 106 as Lot 30 (the "Property"). The purpose of the inspection was to determine compliance with the Comprehensive Shoreland Protection Act ("CSPA"), RSA 483-B and NH Code of Admin. Rules Env-Wq 1400-1411.

During the inspection the following deficiencies were documented:

1. A well distributed stand of trees was not maintained within 150 feet of the reference line on Bow Lake. Within an area measuring approximately 100 feet wide by 150 feet long, DES documented 6 stumps and the locations of 5 removed stumps.
2. DES took measurements of 5 standing trees and the 6 remaining stumps, which after calculation, exceeded the allowable 50 percent basal area.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a qualified environmental consultant, or landscape designer, and include provisions for establishing a well distributed stand of saplings and trees within 150 feet of Bow Lake on the Property. DES requests a mix of at least 6 saplings to be replanted. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 - (1) The species of plants proposed for replanting;
 - (2) The number and distribution of plants proposed for replanting;
 - (3) The basal area of the trees proposed for replanting;
 - (4) The existing trees remaining within the natural woodland buffer, if any;and
 - (5) The existing and proposed structures, including but not limited to the primary structure, accessory structures, and water-dependent structures.
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*). DES requests sapling replacements be a mix of 1.5" to 2.5" caliper, randomly spaced on the property, from the list of New Hampshire native and naturalized species that do well in wet soils (copy enclosed);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Retain a qualified environmental consultant, or landscape designer to supervise the implementation of the restoration plan and to submit the restoration progress reports.
 3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Wq 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the

Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,

A handwritten signature in black ink is written over the word "COPY", which is printed in large, bold, capital letters. The signature appears to be "Collis G. Adams".

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7006 0100 0005 8153 6020

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Northwood Conservation Commission
Northwood Board of Selectmen
USACOE